

STATE OF TENNESSEE

PUBLIC CHAPTER NO. 446

HOUSE BILL NO. 1122

By Representatives Maggart, Ty Cobb, Fincher, Lynn, Lundberg, Bass

Substituted for: Senate Bill No. 857

By Senator Black

AN ACT to amend Tennessee Code Annotated, Title 42, relative to the "Airport Authorities Act".

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 42-3-103, is amended by adding the following language as a new subsection:

(d)

(1)

(A) The county legislative body of any county which has created a municipal airport authority where the commissioners of the airport authority have, without legal authority to do so in accordance with § 42-3-104, altered their certificate of authority filed with the secretary of state, referring to the municipal airport created pursuant to this section as a regional airport authority, shall have the authority, if the county legislative body determines that it is in the best interest of the county that the airport authority so created be dissolved, then upon adoption of a resolution by a two-thirds (2/3) vote of the county legislative body, the county mayor shall execute and file for record with the secretary of state a certificate of dissolution reciting those facts and declaring the authority to be dissolved. Such resolution shall be read and passed upon two (2) separate readings at two (2) consecutive meetings in open session. At least thirty (30) days shall have elapsed between the first and second readings. Any resolution not so read and passed shall be null and void.

(B) The resolution dissolving the airport authority shall further provide whether the governing body of the municipality shall become the governing body to operate the airport.

(2) Upon filing the certificate, the authority shall be dissolved, and title to all funds and other properties of the authority at the time of the dissolution shall vest in and be delivered to the county to which this subsection (d) applies.

(3) If within twelve (12) months of such dissolution, the county by resolution, votes to create a new municipal airport authority in the manner provided in this part, any grants or funds that had been given to or received by the previous, now dissolved, authority for its operation shall not be forfeited but for purposes of such funds or grants, the new authority created hereunder shall be deemed to be the named recipient authority of such funds or grants unless otherwise provided by specific language in such funds or grants.

SECTION 2. Tennessee Code Annotated, Section 42-3-103(a), is amended by inserting the language “by the governing body of the municipality” in the third sentence between the words “shall be appointed” and the language “for a term of five (5) years” and between the words “shall be filled” and the words “for the unexpired term”.

SECTION 3. Tennessee Code Annotated, Section 42-3-104(e), is amended by adding the following language at the end of the subsection:

Appointments at the expiration of a term shall be filled by the governing body of the participating municipality, the governing body of the participating county or by the commissioners or the governor, as appropriate, which made the original appointments in accordance with subsection (a)(1) or (2).

SECTION 4. Tennessee Code Annotated, Section 42-3-103(a), is amended by designating the existing language as subdivision (1) and by adding the following language to be designated as subdivision (2):

(2) The governing body of the municipality or the county may, by a two-thirds (2/3) vote of the governing body upon written charges and after a public hearing, remove any or all of the commissioners of the authority for incompetency, failure or neglect to perform the duties required by law, malfeasance, misfeasance, misconduct or corruption in office, or for any other good and sufficient reason. If removed, a vacancy shall exist on the authority of the commissioner or commissioners so removed and such vacancy shall be filled by the governing body for the unexpired term in the same manner as in the case of the original appointment.

SECTION 5. Tennessee Code Annotated, Section 42-3-104(a), is amended by designating by adding the following language as a new subdivision (3):

(3)

(i) A commissioner or all of the commissioners of an authority may be removed for incompetency, failure or neglect to perform the duties required by law, malfeasance, misfeasance, misconduct or corruption in office, or for any other good and sufficient reason.

(ii) If the governor makes an appointment pursuant to subdivision (a)(1) or (a)(2), the governor is authorized to remove the commissioner so appointed upon written charges and after a public hearing.

(iii) The governing body of the municipality or county or the commissioners of the regional airport authority, as appropriate, which made the original appointment or appointments pursuant to subdivision (a)(1) or (a)(2) are authorized to remove the commissioner or commissioners so appointed by a two-thirds (2/3) vote of the governing body of the municipality, county or regional airport authority, as appropriate, upon written charges and after a public hearing.

(iv) If removed, a vacancy shall exist on the authority of the commissioner or commissioners so removed and such vacancy shall be filled for the unexpired term by the governing body of the municipality or county, the commissioners of the regional airport authority or the governor, as appropriate, in the same manner as in the case of the original appointment.

SECTION 6. This act shall take effect upon becoming a law, the public welfare requiring it.

PASSED: June 9, 2009



KENT WILLIAMS, SPEAKER
HOUSE OF REPRESENTATIVES



RON RAMSEY
SPEAKER OF THE SENATE

APPROVED this 23rd day of June 2009



PHIL BREDESEN, GOVERNOR